

REMARKS

This Response is submitted in reply to the Office Action mailed on March 5, 2007. Claims 37 to 40 stand allowed. Claims 27, 28, 30, 44, 46, 48, 56, 57, 64, 68 and 72 have been amended and Claims 80 to 85 have been added. No new matter was added by these amendments or new claims.

The Office Action objected to the specification because of a series of informalities. Applicants have amended the specification herein in order to overcome these objections.

The Office Action objected to Claims 27, 28, 30, 44, 48, 56, 57, 64 and 68. Applicants have amended these claims to overcome these objections and place these claims in condition for formal allowance.

The Office Action rejected Claims 1 to 5, 8 to 10, 17 to 21, 24 to 29, 31 to 36, 41, 43 to 53, 56, 57, 60, 61, 68, 69, 72, 73, 76 and 77 on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1 to 9, 15 to 21, 27, 28, 35 and 36 of U.S. Patent No. 6,688,975. The Office Action rejected Claims 54, 55, 58, 59, 62, 63, 70, 71, 74, 75, 78 and 79 on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1, 18, 19, 35 and 36 of U.S. Patent No. 6,688,975 in view of Olsen (U.S. Patent No. 6,110,043). Applicants submit a Terminal Disclaimer herewith to place Claims 1 to 5, 8 to 10, 17 to 21, 24 to 29, 31 to 36, 41, 43 to 63, 68 to 79 and the claims depending therefrom in condition for formal allowance. Please charge Deposit Account No. 02-1818 for the Terminal Disclaimer and any other amounts due in association with this Response.

The Office Action rejected Claims 46 to 49, 72 and 73 under 35 U.S.C. § 102(e) as anticipated by Thomas (U.S. Patent No. 6,190,255). Applicants respectfully disagree with this rejection. Applicants have amended independent Claims 46, 48 and 72 to clarify certain of the existing claim elements of these claims and place these claims and the claims depending therefrom in condition for formal allowance.

Thomas discloses a gaming machine including a primary game and bonus game. The gaming machine generates an outcome for the primary game. If the gaming

machine generates a certain outcome in the primary game, the gaming machine enables the player to play the bonus game.

In the bonus game, the gaming device displays a plurality of player-selectable bonus game outcomes including awards and a game-ending symbol ("PARTY POOPER") (see col. 12, lines 42 to 56). The player selects outcomes one at a time until the player selects a PARTY POOPER symbol, at which time the player receives an award. The award includes the sum of the awards the player selected prior to selecting the PARTY POOPER symbol.

In one embodiment of Thomas, upon selecting the PARTY POOPER symbol, the bonus game ends and the player also receives an award for the PARTY POOPER symbol equal to the number of coins wagered.

The following examples of this embodiment of Thomas are helpful to understand certain differences between Thomas and the claimed invention. In a first example play of Thomas, after the player wagers two coins on the primary game, the player first selects a three-coin award symbol, then selects a five-coin award symbol, and finally selects the PARTY POOPER symbol. The player receives an award of ten coins ($3 + 5 + 2 = 10$).

In another example play of Thomas, after a player wagers three coins on the primary game, the player first selects a one-coin award symbol and then selects the PARTY POOPER symbol. In this example, the player receives an award of four coins ($1 + 3 = 4$).

In another example play of Thomas, a player wagers five coins on the primary game, and selects the PARTY POOPER symbol first. The player receives an award of 5 coins ($0 + 5 = 5$).

In each of the above examples, the award the player receives for the bonus game in this embodiment of Thomas is represented by the equation: Sum of Award Selection Values + Wager = Bonus Game Award.

Claim 46 is directed to a gaming device including a plurality of outcomes, a plurality of termination events, wherein each of said termination events is associated with one of a plurality of different mathematical formulas, a plurality of selections, wherein each of said selections is associated with one of said outcomes or one of said

termination events, a display device, and a processor operable with said display device to: (a) cause one of said selections to be picked; (b) reveal said outcome or said termination event associated with said picked selection; (c) repeat steps (a) to (b) until said termination event is revealed; (d) determine an award by applying the mathematical formula associated with said revealed termination event; and (e) provide a player said determined award.

One example of a play of the gaming device of Claim 46 includes a player selecting a first selection with an outcome of 5 credits and a second selection with an outcome of 10 credits. The player then selects a selection revealing a terminating event associated with the following mathematical formula: $\text{First Outcome} \times \text{Second Outcome} = \text{Award}$. Thus, the player receives an award of 50 credits ($5 \times 10 = 50$).

In another example play of the gaming device of Claim 46, the player selects a first selection with an outcome of 4 credits and a second selection with an outcome of 10 credits. The player then selects a selection associated with a different terminating event, such as one associated with the mathematical formula: $\text{First Outcome Squared} + \text{Second Outcome} = \text{Award}$, in which case the player receives an award of 26 credits ($16 + 10 = 26$).

In another example play of the gaming device of Claim 46, the player selects a first selection with an outcome of 5 credits and a second selection with an outcome of 10 credits. The player selects a selection associated with a different terminating event associated with the mathematical formula: $(\text{First Outcome} + \text{Second Outcome Squared}) \text{ Divided by First Outcome} = \text{Award}$, in which case the player would receive an award of 21 credits ($(5 + 100)/5 = 21$).

As illustrated by these examples, Claim 46 is directed to a gaming device including a plurality of termination events, wherein each of said termination events is associated with one of a plurality of different mathematical formulas. Thomas discloses one game-ending symbol associated with one formula: $\text{Sum of Award Selection Values} + \text{Wager} = \text{Bonus Game Award}$.

One could improperly reason that the PARTY POOPER symbol in Thomas is associated with a plurality of different mathematical formulas because, depending upon how many outcomes a player has selected prior to selecting the PARTY POOPER

symbol, the quantity of numbers in the formula may change (i.e., $1 + 2$ or $1 + 2 + 3$). This reasoning would be improper because the mathematical formula remains the same: Sum of Award Selection Values + Wager = Bonus Game Award. Different numbers of selections do not change the mathematical formula. For at least these reasons, Applicants respectfully submit that Claims 46 and 47 are patentable over Thomas and stand in condition for formal allowance.

For the same reasons, Applicants respectfully submit that Claims 47, 48, 72 and 73 are patentable over Thomas and stand in condition for formal allowance.

The Office Action rejected Claims 74 and 75 under 35 U.S.C. § 103(a) as being unpatentable over Thomas in view of Olsen (U.S. Patent No. 6,110,043). Applicants respectfully disagree with this rejection. In view of the patentability of independent Claim 72, Applicants respectfully submit that dependent Claims 74 and 75 are patentable over the combination of Thomas and Olsen and stand in condition for formal allowance.

Applicants have made an earnest endeavor to place this application in condition for formal allowance and in the absence of more pertinent art, such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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